

### DETAILED ACTION

Claims 4-7, 18-20 and 22 are currently pending in the instant application and are allowable.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tonya L. Combs on February 7 and 8, 2008.

The application has been amended as follows:

1. Amend the specification by adding the following sentence on the line above the first paragraph of page 1:

-- This application is a 371 of PCT/US03/23269 filed 18 August, 2003. --

2. Amend claim 18 by deleting the phrase "claim 1" from the first line of the claim and inserting in its place the phrase -- claim 4 --.

3. Cancel claim 21.

4. Amend claim 22 as follows:

22 (currently amended). A method of preparing a compound of claim 4, comprising deprotecting a compound of the following formula:



wherein:

R5 is a protecting group;  
X is ~~optionally substituted phenyl~~ a phenyl group optionally substituted with 1 substituent which is C1-4 alkyl; and  
Ar is ~~optionally substituted phenyl~~ a phenyl group optionally substituted with 1 or 2 substituents each independently selected from C1-4 alkyl, O(C1-4alkyl), S(C1-4alkyl), halo and phenyl;  
wherein each above-mentioned C1-4alkyl group is optionally substituted with one or more halo atoms; to provide a compound of claim 4, optionally followed by the step of forming a pharmaceutically acceptable salt.

### ***Response to Amendment***

Applicants' amendment filed 20 December 2007 has overcome the objection to claims 3-7 as being dependent upon a rejected base claim; has overcome the objection to claims 1, 8, 9, 14, 15, 17 and 18 as containing non-elected subject matter; has overcome the 35 USC 112 1st paragraph rejection of claims 14, 15 and 17 and has overcome the 35 USC 103(a) rejection of claims 1, 2, 8, 9, 14, 15 and 18.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance. This invention relates to products of the formula (II) and methods of preparation. The novel and nonobvious aspect of this invention involves the phenyl ring substituted with R4. The closest prior art of record fails to teach or suggest the instantly claimed invention of formula (II) with a phenyl substituted by R4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (571) 272-0696. Mrs. Anderson can normally be reached Monday through Friday from 6:00am until 2:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Rebecca Anderson/  
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